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Letter dated 28 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, containing an account of the Committee's activities for 2006. The report is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Augustine P. **Mahiga**
Chairman
Security Council Committee established pursuant
to resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) of 8 October 1997 concerning Sierra Leone covers the period from 1 January to 31 December 2006.

2. For 2006, the Bureau consisted of Augustine P. Mahiga (United Republic of Tanzania) as Chairperson, with the delegations of Argentina and Congo providing the Vice-Chairpersons. During the reporting period, the Committee held one session of informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

3. By its resolution 1132 (1997), the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. By the same resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families, and decided to establish a Committee to oversee the implementation of the measures.

4. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo. By its resolution 1171 (1998) of 5 June 1998, the Council confirmed the removal of sanctions on the Government and reimposed the arms embargo on non-governmental forces, as well as the travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta. The Council also decided that States would notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone would mark, register and notify to the Committee all imports made by it of those items, and that the Committee would report regularly to the Council on notifications so received.

5. In its resolution 1306 (2000) of 5 July 2000, the Council decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures. The prohibitions on diamonds not controlled by the certificate of origin regime were extended for additional periods of 11 months and 6 months, respectively, by resolutions 1385 (2001) of 19 December 2001 and 1446 (2002) of 4 December 2002.

6. On 5 June 2003, the President of the Security Council read out a statement to the press in which he noted, inter alia, that in light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas, as well as the Government's full participation in the Kimberley Process, the members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

7. With the expiration of the diamond sanctions, the mandate of the Committee is once again wholly contained in resolution 1171 (1998), which refers to the requirement of reporting State/Government notifications of export/import of arms and related materiel to the Security Council, and to the tasks of the Committee in relation to the arms embargo and the travel ban, both of which are still in force.

8. To date, the travel ban list includes the names of 30 individuals designated as leading members of the former military junta in Sierra Leone, the Armed Forces Revolutionary Council (AFRC) or as leading members of RUF. The list was last revised on 20 September 2004, when 16 names were removed on the basis of information provided by the Government of Sierra Leone.[1] In a letter dated 30 September 2004, the Chairman informed the Permanent Representative of Sierra Leone that the Committee would welcome any further information or recommendations from the Government in connection with the travel ban list or the individuals whose names were inscribed therein. A second letter concerning the travel ban list was dispatched by the Chairman on 14 July 2006. However, to date, a response is still pending from the Government of Sierra Leone.

B. Summary of the activities of the Committee

9. The Committee considered a letter dated 10 February 2006 from the Permanent Representative of Denmark to the United Nations, regarding the proposed export, by a Danish flag vessel, of commercial explosives to a private company in Freetown, Sierra Leone, for use in a diamond industry bulk sampling programme. In a reply dated 14 February 2006, the Chairman conveyed the view of the members of that Committee that the proposed delivery did not include arms and related materiel as referred to in paragraph 4 of resolution 1171 (1998) and was therefore not subject to the Committee's consideration.

10. The Committee also considered a letter dated 21 April 2006 from the Permanent Representative of Switzerland to the United Nations, seeking the Committee's determination as to whether a proposed donation by Switzerland of certain vehicles, trailers and related spare parts and services to the Consortium for Rehabilitation and Development in Sierra Leone fell within the scope of the arms embargo. On the basis of the detailed information provided by the Permanent Representative of Switzerland with respect to those supplies, the Committee was able to conclude that the items in question did not qualify as "arms or related materiel" as stipulated in paragraph 2 of resolution 1171 (1998), and were therefore not subject to further consideration by the Committee.

[1] The latest version of the travel ban list is available on the Committee's website at: http://www.un.org/Docs/sc/committees/SierraLeone/1132_list.htm.

11. On 11 July 2006, the Committee held one session of informal consultations to consider the travel ban list. Subsequently, on 14 July, the Chairman wrote to the Permanent Representative of Sierra Leone to the United Nations, informing the latter that the members of the Committee agreed that the time might be ripe to once again review the travel ban list to ensure that it accurately reflected the changing security situation in Sierra Leone and the ongoing judicial process in the Special Court for Sierra Leone; and that, before proceeding in that review, the members of the Committee would welcome receiving the views of the Government of Sierra Leone on the future of the travel ban measure itself, as well as any additional relevant information or suggestions regarding those individuals who remained on the list.

12. The Committee considered and approved one request for a waiver from the travel restrictions imposed by resolution 1171 (1998). The request, submitted by the Registrar of the Special Court for Sierra Leone on behalf of an accused suspect of the Special Court, in order to enable the latter to receive medical treatment, was transmitted by a letter dated 5 December 2006 from the Permanent Representative of Canada to the United Nations.

C. Violations and alleged violations of the sanctions regime

13. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

14. In the light of Sierra Leone's continued progress in its peacebuilding efforts in 2006, the Chairperson encourages members of the Committee and the Security Council to continue consultations to determine the appropriate time to streamline the legal basis for sanctions in Sierra Leone. While recognizing that any revision of the sanctions measures would fall under the purview of the Security Council, the Chairperson notes that one contribution that the Committee could make towards having an up-to-date sanctions regime is to ensure that the travel ban list established pursuant to resolution 1171 (1998) reflects as closely as possible the current situation in Sierra Leone. The Committee awaits the views of the Government of Sierra Leone in this connection, after which it hopes to undertake a review of the list to that end.